



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAILED: March 29, 1993

Paper No. 12

In re application of

Paul R. Schimmel

Serial No. 07/586,534

For: DESIGNING COMPOUNDS

SPECIFICALLY INHIBITING

RIBONUCLEIC ACID

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Decision on Petition

Applicant has filed, on March 22, 1993, a petition for the remailing of the Office action issued November 20, 1992, under the provisions of 37 CFR 1.181, on the basis of applicant's failure to receive the Office action. Applicant notified the Office by telecon on March 17, 1993 that the Office action had not been received and a copy thereof was telefaxed to applicant's attorney on March 18, 1993. Applicant now seeks to have the Office action in question officially remailed, with the attendant restarting of the period for response thereto.

Applicant has not provided sufficient evidence of the failure to receive the Office action, as established in *Delgar Inc. v Schuyler*, 172 USPQ 513. See the procedure set forth on page 700-53 of the MPEP (Revision 14). Accordingly, the petition for remailing of the Office action is denied. The three month period for response to the Office action of November 20, 1992 continues to run, with the permissible extension period due to expire on May 20, 1993.

PETITION DENIED

Barry S. Richman, Director
Patent Examining Group 180
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